

28 August 2018

**Mills Oakley**  
ABN: 51 493 069 734Your ref:  
Our ref: DXPM/DXPM/5715066All correspondence to:  
PO Box 453  
Collins Street West  
MELBOURNE VIC 8007  
DX 558 MelbourneThe Panel Co-ordinator  
Melbourne Planning Scheme Amendment C258  
Planning Panels Victoria  
1 Spring Street  
MELBOURNE VIC 3000**Contact**  
David Passarella +61 3 8568 9527  
Email: dpassarella@millsOakley.com.au  
Fax: +61 3 9605 0933**Partner**  
David Passarella +61 3 8568 9527  
Email: dpassarella@millsOakley.com.au**Email:** joseph.morrow@delwp.vic.gov.au**Attention:** Joseph Morrow

Dear Mr Morrow

**Melbourne Planning Scheme Amendment C258 - 655-667 Bourke Street Melbourne**

We act for Real IS Australia Pty Ltd regarding 655-667 Bourke Street, Melbourne (**Site**), also known as Submitter 94 to Melbourne Planning Scheme Amendment C258 (**C258**).

Our client is presently scheduled to be heard by the C258 Panel on 5 September 2018 at 10am.

Melbourne City Council and our client have reached agreement on the matters in dispute within C258. We seek the Panel's guidance on whether it continues to require our client to appear at the Panel Hearing on 5 September 2018.

**1 Council's recommendation in response to our client's submission**

As outlined in our client's submission (attached as Appendix A), the Site contains two buildings, being:

- (a) 655-659 Bourke Street, Melbourne, being the former Hudson Stores building, which has heritage value; and
- (b) 661-667 Bourke Street, Melbourne, being a ten storey office building constructed in the 1980s, which does not have heritage value, as confirmed by the heritage report prepared by GJM Heritage appended to our client's submission.

On this basis, our client opposes the listing of the entire Site in the C258 Heritage Inventory 2017 as 'significant'. It instead contends that only the building located at 655-659 Bourke Street, Melbourne should be listed as 'significant' within the C258 Heritage Inventory.

Following a meeting with Melbourne City Council, Maree Fewster of Melbourne City Council confirmed by letter dated 20 August 2018 (attached as Appendix B) that it

recommends that the Site's listing in the C258 Heritage Inventory is updated to read as follows:

Street	Number	Building Grading	Significant Streetscape
Bourke Street	661, 'Defence Plaza' includes: 655 (former Hudson's Store) 661-667	Significant -	- -

Our client is content with Council's recommendation as outlined above.

In the circumstances, we no longer consider it necessary to attend the Panel Hearing on our client's behalf, however we would be pleased to do so if the Panel considers this would be of assistance.

If you have any questions or require further information, please do not hesitate to contact David Passarella on +61 3 8568 9527 or [dpassarella@millsoakley.com.au](mailto:dpassarella@millsoakley.com.au).

Yours faithfully



**DAVID PASSARELLA**  
**PARTNER**

Enc.

**Appendix A – Submission dated 25 January 2018 by Real IS Australia Pty Ltd**



Team Leader – Planning Policy  
City of Melbourne  
GPO Box 1603  
MELBOURNE VIC 3000

By email: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au)

Our reference: DPM2018.01

25<sup>th</sup> January 2018

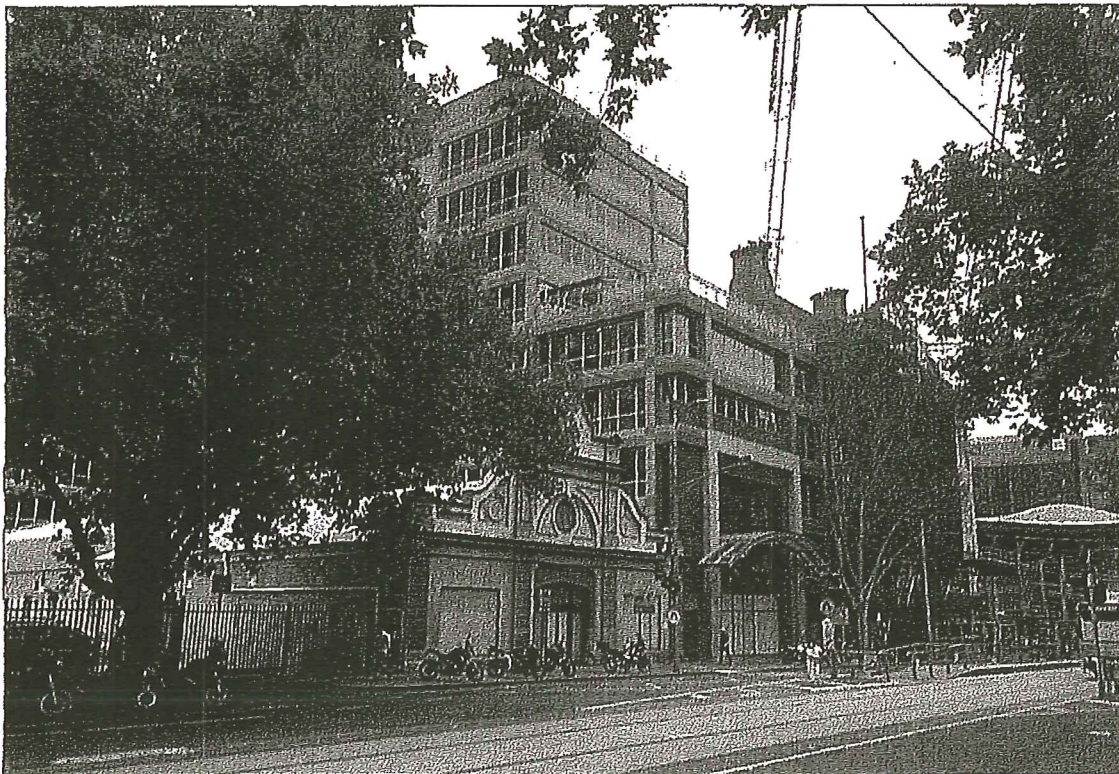
To whom it may concern

**Submission: Melbourne Planning Scheme Amendment C258 – 655 & 661-667 Bourke Street, Melbourne**

We write on behalf of the owners of the above land in respect of Amendment C258 to the Melbourne Planning Scheme. The land is hereafter referred to as the 'subject site'.

This submission has been informed by advice obtained from GJM Heritage.

Two buildings occupy the subject site, as shown in the image below. To the east is the single-storey former Hudson's Store (addressed as 655 Bourke Street) with a 10-storey office building to the west and south of the store (addressed as 661 Bourke Street). These buildings and their significance are described in more detail at Attachment 1.



Subject site looking west on Bourke Street, Melbourne

The subject site is included within the Heritage Overlay of the Melbourne Planning Scheme as part of HO501 - Bourke Street West Precinct.

The former Hudson's Store building was identified in the 1985 Graeme Butler 'Central Activities District' heritage study and graded 'B'. While the City of Melbourne's i-Heritage database identifies the property as

655-667 Bourke Road, it is clearly only the former Hudson's Store building that is identified in the database as being of heritage significance.

Conversely, Amendment C258 proposes to include the whole of the subject site in the *City of Melbourne Heritage Places Inventory 2017* as a 'significant' heritage place, without qualification. The effect of this is to identify both the former Hudson's Store and the non-significant 1980s office tower as 'significant' buildings within the heritage precinct.

We submit that the office building at 661-667 Bourke Street does not contribute to the heritage values of HO501 – Bourke Street West Precinct and therefore the *City of Melbourne Heritage Places Inventory 2017* should be amended to identify only 655 Bourke Street (being the street address of the former Hudson's Store) as being 'significant' within HO501.

We trust that the exhibited version of the *City of Melbourne Heritage Places Inventory 2017* will be amended in response to this submission, and please do not hesitate to contact me if you require any further information in relation to this matter.

Yours sincerely

Volker Gladis  
Real I.S. Australia  
Head of Investment Management

V. S.



## Attachment 1 – description and assessment of the subject site (prepared by GJM Heritage)

### A.1 HO501 – Bourke Street West Precinct

The subject site is located within the extent of HO501 – Bourke Street West Precinct (Figure A.1). External paint controls are selected in the Schedule to the Heritage Overlay but not internal alteration controls.

The Statement of Significance for HO501 is included within Clause 22.04 of the Melbourne Planning Scheme and reads:

*Architecturally diverse but coherent in scale and picturesque setting, this precinct contains highly expressive elements of the late 19th and early 20th century city. Apart from containing a rare and interesting mix of diverse functions and building types, this precinct includes a range of government services located in the western quarter of the City. Some buildings such as Unity Hall (1916), Hudsons's Stores (1876-77) and the Old Tramways Building (1891) have important historical associations with transport and the Spencer Street railway yards. The comparatively low levels of even the tallest buildings contrast well with the single-storey structures on the southern side of Bourke Street, enabling the taller structures to be seen from their original perspective.*

The 'Key Attributes' of HO501 are identified as:

- A group of architecturally diverse 19th and early 20th century buildings that are consistent in scale and associated with public services and warehousing.
- The dominance of the Tramways Building on the south side of Bourke Street and the Mail Exchange building on the north side.
- The amenity of the garden around St Augustine's Church.

As part of amendment C258, it is proposed that updated statements of significance for a number of precincts be introduced. However, no changes are proposed to the statement for the Bourke Street West Precinct.

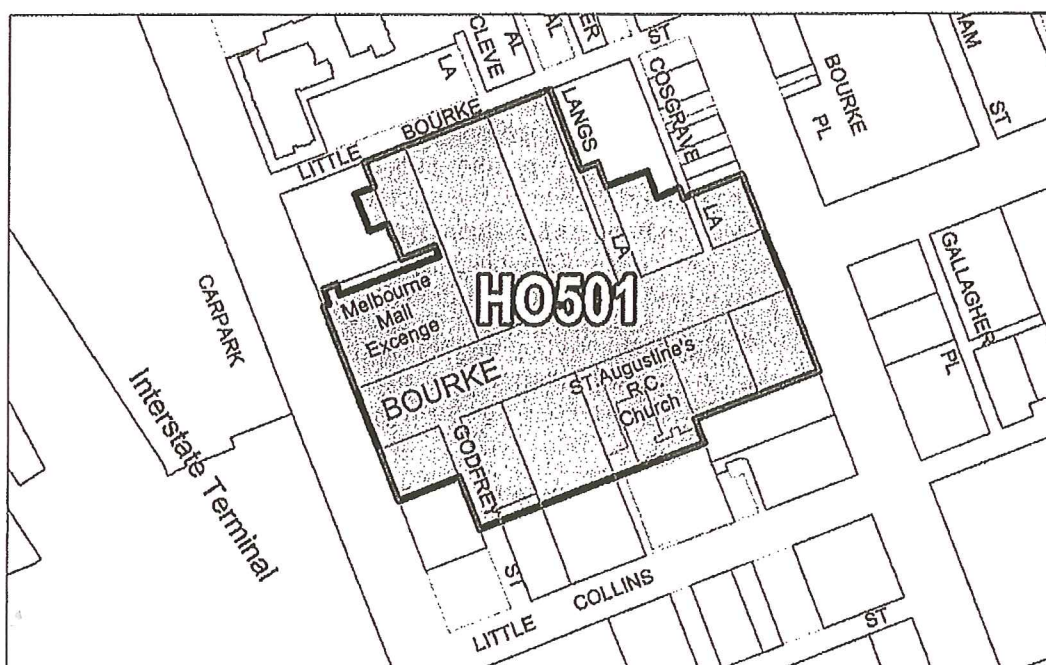


Figure A.1. Extent of HO501 from Planning Schemes Online (accessed 12 February 2018).



Figure A.2. north side of Bourke Street – within HO501 (©City of Melbourne – i-Heritage database)

## A.2 Former Hudson's Store, 655 Bourke Street

### A.2.1 Description

The former Hudson's Store at 655 Bourke Street is constructed of brick with a cement rendered façade to Bourke Street in what is described in Apperly et al<sup>1</sup> as 'Federation Anglo-Dutch' in character. Typical of this style the building features an elaborate shaped gable and Mannerist classical detailing. The façade is broken into three bays by rusticated pilasters with plain capitals supporting a cornice. The centre bay contains the main entrance, which is glazed with modern shopfront joinery. Above the door is a semicircular tympanum with an oculus window. The flanking bays have single large showcase windows in plain openings. The date of the construction of the first buildings by McLean Brothers & Rigg on the site (1876) is in raised lettering at the top of the centre two pilasters. The street number of the building (655) is provided in raised lettering centred above the door, indicating that this is the street address associated with the former Hudson's Store.

The east elevation is an undecorated wall of common bricks in English bond. The windows are a mixture of trabeated and segmental arches with brick voussoirs. At the southern end of this wall is a brick cable with three round-headed windows at high level. The 1980s office is built to its southern and western walls of the former Hudson's Store.

The main roof form of the building is a simple pitch running north-south that is clad in long run corrugated steel. A transverse glazed pitched roof is located behind the gable end on the east wall.

<sup>1</sup> Apperly, R., Irving, R. & Reynolds, P. *A Pictorial Guide to Identifying Australian Architecture*, Angus & Robertson, 1989



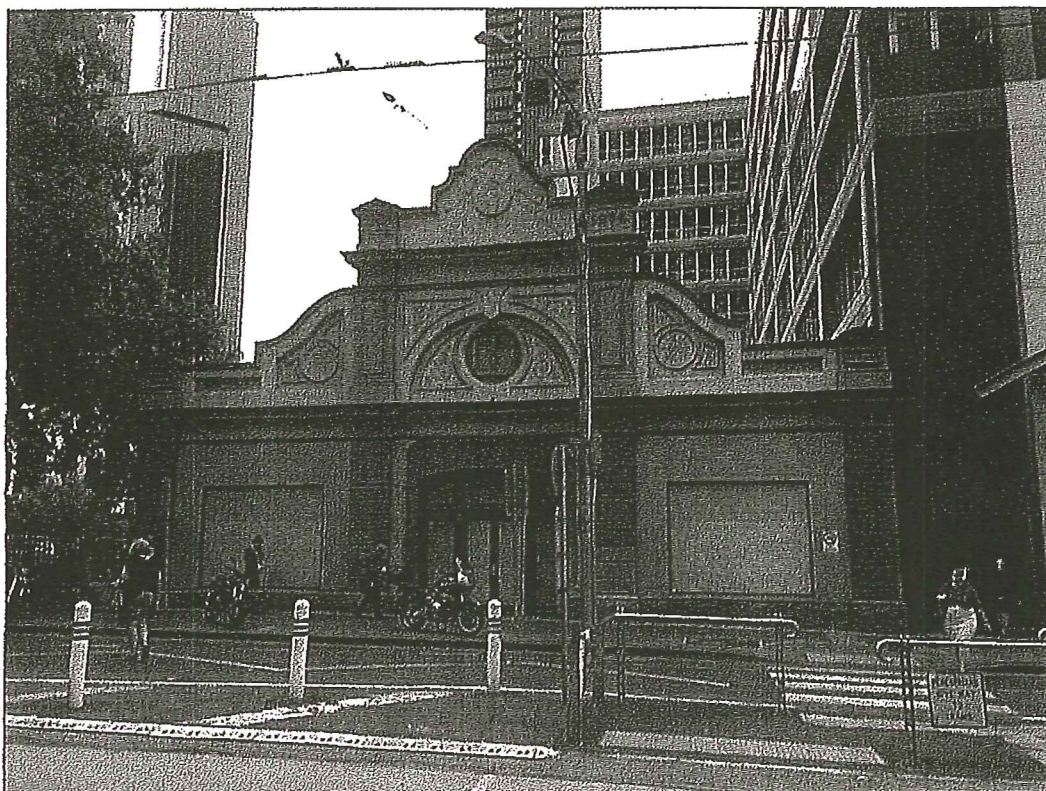


Figure A.3. Bourke Street façade of the Hudson's Stores building.

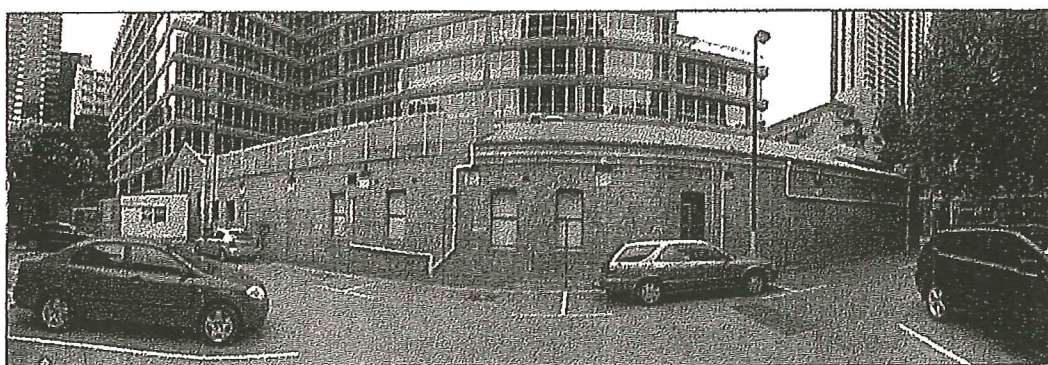


Figure A.4. Eastern side of Hudson's Stores building, looking west with contemporary office building to rear.

#### A.2.2 Heritage Significance

The former Hudson's Stores building was identified in the 1985 Graeme Butler 'Central Activities District' heritage study and graded 'B'. Clause 22.05 of the Melbourne Planning Scheme defines 'B' graded buildings as:

*'B' buildings are of regional or metropolitan significance, and stand as important milestones in the architectural development of the metropolis. Many will be either already included on, or recommended for inclusion on the Register of the National Estate.*

The whole of the subject site has recently been identified as 'significant' in the City of Melbourne Heritage Places Inventory proposed to be introduced by Amendment C258 to the Melbourne Planning Scheme. The amended Heritage Places Inventory does not identify the subject site as forming part of a 'significant streetscape'.



The amended Clause 22.05 proposed to be introduced through Amendment C258 defines 'significant' places as:

*A 'significant' heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A 'significant' heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a 'significant' heritage place can make an important contribution to the precinct.*

The former Hudson's Stores building is a well-designed and historically important building. Despite changes to the façade its 'B' grading (from the 1985 Butler study) and the proposed 'significant' grading within the Heritage Inventory proposed to be introduced via Amendment C258 are appropriate. The building (Hudson's Stores) and the 'warehousing' function are both specifically identified in the existing and proposed Statement of Significance for the Bourke Street West Precinct. The building also displays the 'highly expressive' architectural form identified in the statement of significance – in this case expressed most obviously through the elaborate parapet and shaped pediment.

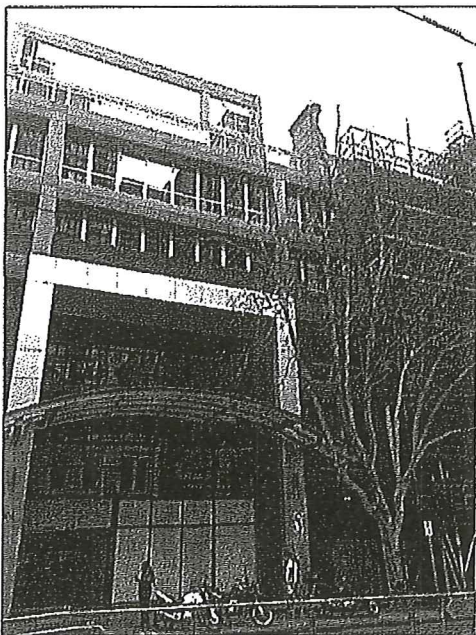
This former Hudson's Stores building contributes to and is significant within the context of HO501.

### **A.3 Office Building, 661-667 Bourke Street**

#### **A.3.1 Description**

To the west and south of the former Hudson's Store at 661-667 Bourke Street is a 10 storey office building dated from the mid-1980s. This building has a five-storey podium facing Bourke Street with a nine-storey tower set back 10m from the Bourke Street frontage. At the rear of the site a 10 storey tower occupies the full width of the subject site and addresses Little Collins Street.

The building is constructed of exposed aggregate concrete with expressed columns and spandrel panels and deep-set aluminium framed windows. Red granite panels and a white frame signal the double height Bourke Street entrance and a curved steel and glass canopy projects from the centre bays. The building is typical of mid-rise office buildings of this period and can be described as late twentieth century International Modernism with Post-Modern features at the entrances.



**Figure A.5. 661 Bourke Street – Bourke Street elevation**



**Figure A.6. 661 Bourke Street – Little Collins Street elevation**

### A.3.2 Heritage Significance

The 1980s office building at 661-667 Bourke Street has not been identified in any heritage studies. No significant historical associations have been identified in relation to this building and architecturally it is not an especially accomplished mid-rise office building of the mid-1980s.

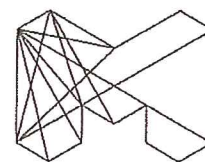
The office tower makes no contribution to the heritage significance or character of HO501. Its age, scale and form are all inconsistent with the characteristics and key attributes identified in the statement of significance for the Bourke Street West Precinct.

The building at 661-667 Bourke Street does not meet any of the criteria established by Planning Practice Note 1: *Applying the Heritage Overlay* (July 2015) and therefore does not warrant identification within *City of Melbourne Heritage Places Inventory* as a 'contributory' or 'significant' building.



**Appendix B – Council's letter dated 20 August 2018**

---



**CITY OF MELBOURNE**

20 August 2018

Janelle Cramer  
Senior Associate, Mills Oakley Lawyers  
Level 6, 530 Collins Street  
Melbourne VIC 3000

GPO Box 1603  
Melbourne VIC 3001  
Telephone (03) 9658 9658  
Facsimile (03) 9654 4854  
DX210487

ABN 55 370 219 287

Dear Sir/Madam,

**MELBOURNE PLANNING SCHEME AMENDMENT C258**

I refer to your email dated 14 August 2018, and to our meeting on 17 August 2018 here at the City of Melbourne, regarding the buildings at 661 Bourke Street, Melbourne ('the site') and advise as follows:

- The C258 Panel Hearing is currently sitting until 7<sup>th</sup> September. Council circulated its Part B Submission to all parties on 15 August 2018.
- As set out (from paragraph 252 of the Part B Submission), Council is recommending a particular approach for listing in the C258 Heritage Inventory, sites which contain a number of buildings of varying heritage gradings.
- Accordingly, Council recommends that the listing for the site in the C258 Heritage Inventory is updated to:

Street	Number	Building Grading	Significant Streetscape
Bourke Street	661, 'Defence Plaza', includes: <ul style="list-style-type: none"><li>- 655 (former Hudson's Store)</li><li>- 661-667</li></ul>	Significant  -	-  -

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,

**Maree Fewster**  
Senior Strategic Planner

Telephone 03 9658 9072  
E-mail [Maree.Fewster@melbourne.vic.gov.au](mailto:Maree.Fewster@melbourne.vic.gov.au)